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U.S. DISTRICT COURT  
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U.S. DISTRICT COURT  
DISTRICT OF MASS.  
CIVIL ACTION NO. 03 CV 12592 REK

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 03 CV 12592 REK

GAETANO P. DELUCA,

*Plaintiff*

v.

THE TOWN OF HINGHAM, HINGHAM BOARD OF HEALTH,  
PETER B. BICKFORD, CHAIRMAN, RAYMOND E. BEALE, JR.,  
RUTH ANN BECK, TREASURER/TAX COLLECTOR,  
BRUCE T. CAPMAN, EXECUTIVE HEALTH OFFICER and  
FIRST HIGH STREET TRUST,

*Defendants*

ANSWER OF THE DEFENDANT  
FIRST HIGH STREET TRUST  
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The Defendant, First High Street Trust answers the Complaint of Gaetano P. DeLuca as follows:

1. First High Street Trust admits the allegations contained in Paragraph 1 of the Complaint.
2. First High Street Trust admits the allegations contained in Paragraph 2 of the Complaint.
3. First High Street Trust admits the allegations contained in Paragraph 3 of the Complaint.

4. First High Street Trust admits the allegations contained in Paragraph 4 of the Complaint.
5. First High Street Trust admits the allegations contained in Paragraph 5 of the Complaint.
6. First High Street Trust admits the allegations contained in Paragraph 6 of the Complaint.
7. First High Street Trust is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 7 of the Complaint.
8. First High Street Trust is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 8 of the Complaint.
9. First High Street Trust is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 9 of the Complaint.

10. No answer required to Paragraph 10 of the Complaint.
11. First High Street Trust admits the allegations contained in Paragraph 11 of the Complaint.
12. No answer required to Paragraph 12 of the Complaint.
13. First High Street Trust admits the allegations contained in Paragraph 13 of the Complaint.
14. First High Street Trust admits the allegations contained in Paragraph 14 of the Complaint.
15. First High Street Trust admits the allegations contained in Paragraph 15 of the Complaint.
16. First High Street Trust admits the allegations contained in Paragraph 16 of the Complaint.
17. First High Street Trust admits the allegations contained in Paragraph 17 of the Complaint.
18. First High Street Trust admits the allegations contained in Paragraph 18 of the Complaint.

19. First High Street Trust admits the allegations contained in Paragraph 19 of the Complaint.
20. First High Street Trust is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 20 of the Complaint.
21. First High Street Trust is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 21 of the Complaint.
22. First High Street Trust admits the allegations contained in Paragraph 22 of the Complaint.
23. First High Street Trust admits the allegations contained in Paragraph 23 of the Complaint.
24. First High Street Trust admits the allegations contained in Paragraph 24 of the Complaint.
25. First High Street Trust is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 25 of the Complaint.

26. *First High Street Trust admits the allegations contained in Paragraph 26 of the Complaint.*
27. *First High Street Trust admits the allegations contained in Paragraph 27 of the Complaint.*
28. *First High Street Trust is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 28 of the Complaint.*
29. *First High Street Trust admits the allegations contained in Paragraph 29 of the Complaint.*
30. *First High Street Trust admits the allegations contained in Paragraph 30 of the Complaint.*
31. *First High Street Trust admits the allegations contained in Paragraph 31 of the Complaint.*
32. *First High Street Trust admits the allegations contained in Paragraph 32 of the Complaint.*
33. *First High Street Trust admits the allegations contained in Paragraph 33 of the Complaint.*

34. First High Street Trust is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 34 of the Complaint.
35. First High Street Trust admits the allegations contained in Paragraph 35 of the Complaint.
36. First High Street Trust admits the allegations contained in Paragraph 36 of the Complaint.
37. First High Street Trust is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 37 of the Complaint.
38. No answer required to Paragraph 38 of the Complaint.
39. First High Street Trust admits the allegations contained in Paragraph 39 of the Complaint.
40. First High Street Trust admits the allegations contained in Paragraph 40 of the Complaint.

41. First High Street Trust admits the allegations contained in Paragraph 41 of the Complaint.

42. First High Street Trust admits the allegations contained in Paragraph 42 of the Complaint.

43. First High Street Trust admits the allegations contained in Paragraph 43 of the Complaint.

44. First High Street Trust admits the allegations contained in Paragraph 44 of the Complaint.

45. First High Street Trust admits the allegations contained in Paragraph 45 of the Complaint.

46. First High Street Trust admits the allegations contained in Paragraph 46 of the Complaint.

47. First High Street Trust admits the allegations contained in Paragraph 47 of the Complaint.

48. First High Street Trust admits the allegations contained in Paragraph 48 of the Complaint.

49. First High Street Trust admits the allegations contained in Paragraph 49 of the Complaint.

50. First High Street Trust admits the allegations contained in Paragraph 50 of the Complaint.

51. First High Street Trust admits the allegations contained in Paragraph 51 of the Complaint.

52. First High Street Trust admits the allegations contained in Paragraph 52 of the Complaint.

53. First High Street Trust admits the allegations contained in Paragraph 53 of the Complaint.

54. First High Street Trust admits the allegations contained in Paragraph 54 of the Complaint.

55. First High Street Trust admits the allegations contained in Paragraph 55 of the Complaint.

56. First High Street Trust admits the allegations contained in Paragraph 56 of the Complaint.



- 57. *First High Street Trust admits the allegations contained in Paragraph 57 of the Complaint.*
- 58. *First High Street Trust admits the allegations contained in Paragraph 58 of the Complaint.*
- 59. *First High Street Trust admits the allegations contained in Paragraph 59 of the Complaint.*
- 60. *No answer required to Paragraph 60 of the Complaint.*
- 61. *First High Street Trust admits the allegations contained in Paragraph 61 of the Complaint.*
- 62. *First High Street Trust admits the allegations contained in Paragraph 62 of the Complaint.*
- 63. *First High Street Trust admits the allegations contained in Paragraph 63 of the Complaint.*
- 64. *First High Street Trust admits the allegations contained in Paragraph 64 of the Complaint.*
- 65. *First High Street Trust admits the allegations contained in Paragraph 65 of the Complaint.*

- 66. *First High Street Trust admits the allegations contained in Paragraph 66 of the Complaint.*
- 67. *No answer required to Paragraph 67 of the Complaint.*
- 68. *First High Street Trust admits the allegations contained in Paragraph 68 of the Complaint.*
- 69. *First High Street Trust admits the allegations contained in Paragraph 69 of the Complaint.*
- 70. *First High Street Trust admits the allegations contained in Paragraph 70 of the Complaint.*
- 71. *First High Street Trust admits the allegations contained in Paragraph 71 of the Complaint.*
- 72. *First High Street Trust admits the allegations contained in Paragraph 72 of the Complaint.*
- 73. *First High Street Trust admits the allegations contained in Paragraph 73 of the Complaint.*
- 74. *First High Street Trust admits the allegations contained in Paragraph 74 of the Complaint.*

- 75. *First High Street Trust admits the allegations contained in Paragraph 75 of the Complaint.*
- 76. *First High Street Trust admits the allegations contained in Paragraph 76 of the Complaint.*
- 77. *First High Street Trust admits the allegations contained in Paragraph 77 of the Complaint.*
- 78. *First High Street Trust admits the allegations contained in Paragraph 78 of the Complaint.*
- 79. *First High Street Trust admits the allegations contained in Paragraph 79 of the Complaint.*
- 80. *First High Street Trust admits the allegations contained in Paragraph 80 of the Complaint.*
- 81. *First High Street Trust admits the allegations contained in Paragraph 81 of the Complaint.*
- 82. *First High Street Trust admits the allegations contained in Paragraph 82 of the Complaint.*
- 83. *First High Street Trust admits the allegations contained in Paragraph 83 of the Complaint.*

84. First High Street Trust is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 84 of the Complaint.
85. No answer required to Paragraph 85 of the Complaint.
86. First High Street Trust admits the allegations contained in Paragraph 86 of the Complaint.
87. First High Street Trust admits the allegations contained in Paragraph 87 of the Complaint.
88. First High Street Trust admits the allegations contained in Paragraph 88 of the Complaint.
89. First High Street Trust admits the allegations contained in Paragraph 89 of the Complaint.
90. No answer required to Paragraph 90 of the Complaint.
91. First High Street Trust admits the allegations contained in Paragraph 91 of the Complaint.

- 92. *First High Street Trust admits the allegations contained in Paragraph 92 of the Complaint.*
- 93. *First High Street Trust admits the allegations contained in Paragraph 93 of the Complaint.*
- 94. *First High Street Trust admits the allegations contained in Paragraph 94 of the Complaint.*
- 95. *First High Street Trust admits the allegations contained in Paragraph 95 of the Complaint.*
- 96. *No answer required to Paragraph 96 of the Complaint.*
- 97. *First High Street Trust admits the allegations contained in Paragraph 97 of the Complaint.*
- 98. *First High Street Trust admits the allegations contained in Paragraph 98 of the Complaint.*
- 99. *First High Street Trust admits the allegations contained in Paragraph 99 of the Complaint.*

- 100. First High Street Trust admits the allegations contained in Paragraph 100 of the Complaint.
- 101. No answer required to Paragraph 101 of the Complaint.
- 102. First High Street Trust admits the allegations contained in Paragraph 102 of the Complaint.
- 103. First High Street Trust admits the allegations contained in Paragraph 103 of the Complaint.
- 104. First High Street Trust admits the allegations contained in Paragraph 104 of the Complaint.
- 105. First High Street Trust admits the allegations contained in Paragraph 105 of the Complaint.
- 106. First High Street Trust admits the allegations contained in Paragraph 106 of the Complaint.
- 107. First High Street Trust admits the allegations contained in Paragraph 107 of the Complaint.
- 108. First High Street Trust admits the allegations contained in Paragraph 108 of the Complaint.

109. First High Street Trust admits the allegations contained in Paragraph 109 of the Complaint.
110. No answer required to Paragraph 110 of the Complaint.
111. First High Street Trust admits the allegations contained in Paragraph 111 of the Complaint.
112. First High Street Trust admits the allegations contained in Paragraph 112 of the Complaint.
113. First High Street Trust admits the allegations contained in Paragraph 113 of the Complaint.
114. First High Street Trust admits the allegations contained in Paragraph 114 of the Complaint.
115. First High Street Trust admits the allegations contained in Paragraph 115 of the Complaint.
116. No answer required to Paragraph 116 of the Complaint.

117. First High Street Trust admits the allegations contained in Paragraph 117 of the Complaint.
118. First High Street Trust admits the allegations contained in Paragraph 118 of the Complaint.
119. First High Street Trust admits the allegations contained in Paragraph 119 of the Complaint.
120. First High Street Trust admits the allegations contained in Paragraph 120 of the Complaint.
121. First High Street Trust admits the allegations contained in Paragraph 121 of the Complaint.
122. First High Street Trust admits the allegations contained in Paragraph 122 of the Complaint.
123. First High Street Trust admits the allegations contained in Paragraph 123 of the Complaint.
124. First High Street Trust admits the allegations contained in Paragraph 124 of the Complaint.



125. First High Street Trust admits the allegations contained in Paragraph 125 of the Complaint.
126. First High Street Trust admits the allegations contained in Paragraph 126 of the Complaint.
127. First High Street Trust admits the allegations contained in Paragraph 127 of the Complaint.
128. First High Street Trust admits the allegations contained in Paragraph 128 of the Complaint.
129. First High Street Trust admits the allegations contained in Paragraph 129 of the Complaint.
130. First High Street Trust admits the allegations contained in Paragraph 130 of the Complaint.
131. First High Street Trust admits the allegations contained in Paragraph 131 of the Complaint.
132. First High Street Trust admits the allegations contained in Paragraph 132 of the Complaint.

133. First High Street Trust admits the allegations contained in Paragraph 133 of the Complaint.
134. First High Street Trust admits the allegations contained in Paragraph 134 of the Complaint.
135. First High Street Trust admits the allegations contained in Paragraph 135 of the Complaint.
136. First High Street Trust admits the allegations contained in Paragraph 136 of the Complaint.
137. First High Street Trust admits the allegations contained in Paragraph 137 of the Complaint.
138. First High Street Trust admits the allegations contained in Paragraph 138 of the Complaint.
139. First High Street Trust admits the allegations contained in Paragraph 139 of the Complaint.
140. First High Street Trust admits the allegations contained in Paragraph 140 of the Complaint.

141. First High Street Trust admits the allegations contained in Paragraph 141 of the Complaint.

142. First High Street Trust admits the allegations contained in Paragraph 142 of the Complaint.

143. First High Street Trust admits the allegations contained in Paragraph 143 of the Complaint.

144. First High Street Trust admits the allegations contained in Paragraph 144 of the Complaint.

145. First High Street Trust admits the allegations contained in Paragraph 145 of the Complaint.

146. First High Street Trust admits the allegations contained in Paragraph 146 of the Complaint.

147. First High Street Trust admits the allegations contained in Paragraph 147 of the Complaint.

148. First High Street Trust admits the allegations contained in Paragraph 148 of the Complaint.

149. No answer required to Paragraph 149 of the Complaint.

150. First High Street Trust admits the allegations contained in Paragraph 150 of the Complaint.

151. First High Street Trust admits the allegations contained in Paragraph 151 of the Complaint.

152. First High Street Trust admits the allegations contained in Paragraph 152 of the Complaint.

153. First High Street Trust admits the allegations contained in Paragraph 153 of the Complaint.

154. First High Street Trust admits the allegations contained in Paragraph 154 of the Complaint.

155. First High Street Trust admits the allegations contained in Paragraph 155 of the Complaint.

156. First High Street Trust admits the allegations contained in Paragraph 156 of the Complaint.

157. First High Street Trust admits the allegations contained in Paragraph 157 of the Complaint.

158. First High Street Trust admits the allegations contained in Paragraph 158 of the Complaint.
159. No answer required to Paragraph 159 of the Complaint.
160. First High Street Trust admits the allegations contained in Paragraph 160 of the Complaint.
161. First High Street Trust admits the allegations contained in Paragraph 161 of the Complaint.
162. First High Street Trust admits the allegations contained in Paragraph 162 of the Complaint.
163. First High Street Trust admits the allegations contained in Paragraph 163 of the Complaint.
164. First High Street Trust admits the allegations contained in Paragraph 164 of the Complaint.
165. First High Street Trust admits the allegations contained in Paragraph 165 of the Complaint.
166. First High Street Trust admits the allegations contained in Paragraph 166 of the Complaint.

167. First High Street Trust admits the allegations contained in Paragraph 167 of the Complaint.
168. First High Street Trust admits the allegations contained in Paragraph 168 of the Complaint.
169. First High Street Trust admits the allegations contained in Paragraph 169 of the Complaint.
170. First High Street Trust admits the allegations contained in Paragraph 170 of the Complaint.
171. First High Street Trust admits the allegations contained in Paragraph 171 of the Complaint.
172. First High Street Trust admits the allegations contained in Paragraph 172 of the Complaint.
173. First High Street Trust admits the allegations contained in Paragraph 173 of the Complaint.
174. No answer required to Paragraph 174 of the Complaint.

175. First High Street Trust admits the allegations contained in Paragraph 175 of the Complaint.
176. First High Street Trust admits the allegations contained in Paragraph 176 of the Complaint.
177. First High Street Trust admits the allegations contained in Paragraph 177 of the Complaint.
178. No answer required to Paragraph 178 of the Complaint.
179. First High Street Trust admits the allegations contained in Paragraph 179 of the Complaint.
180. No answer required to Paragraph 180 of the Complaint.
181. First High Street Trust admits the allegations contained in Paragraph 181 of the Complaint.
182. First High Street Trust admits the allegations contained in Paragraph 182 of the Complaint.
183. No answer required to Paragraph 183 of the Complaint.
184. First High Street Trust admits the allegations contained in Paragraph 184 of the Complaint.

185. No answer required to Paragraph 185 of the Complaint.
186. First High Street Trust admits the allegations contained in Paragraph 186 of the Complaint.
187. No answer required to Paragraph 187 of the Complaint.
188. First High Street Trust admits the allegations contained in Paragraph 188 of the Complaint.
189. No answer required to Paragraph 189 of the Complaint.
190. First High Street Trust admits the allegations contained in Paragraph 190 of the Complaint.
191. No answer required to Paragraph 191 of the Complaint.
192. First High Street Trust admits the allegations contained in Paragraph 192 of the Complaint.
193. No answer required to Paragraph 193 of the Complaint.
194. First High Street Trust admits the allegations contained in Paragraph 194 of the Complaint.



195. First High Street Trust admits the allegations contained in Paragraph 195 of the Complaint.
196. First High Street Trust admits the allegations contained in Paragraph 196 of the Complaint.
197. First High Street Trust admits the allegations contained in Paragraph 197 of the Complaint.
198. Answering DeLuca's prayers for relief Numbered 1 through 197. First High Street Trust states that DeLuca is not entitled to any of the relief requested, that the Court should dismiss the Complaint as against First High Street Trust.

**FIRST AFFIRMATIVE DEFENSE**  
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DeLuca's Complaint fails to state a claim upon which relief can be granted.

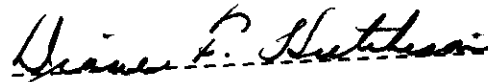
**SECOND AFFIRMATIVE DEFENSE**  
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DeLuca's Complaint fails to sufficiently plead fraud in accordance with the Federal Rules of Civil Procedure.

**THIRD AFFIRMATIVE DEFENSE**  
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Any injury or damages allegedly sustained by DeLuca were caused by the acts of other parties for which First High Street Trust is not responsible.

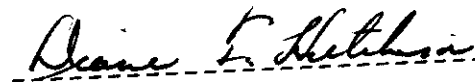
FIRST HIGH STREET TRUST

  
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Diane F. Hutchison

Dated: January 9, 2004

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the above document was served upon the Attorney and/or each other party by First Class Mail on January 9, 2004.

  
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Diane F. Hutchison